

Message Text

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41

ACTION EB-07

INFO OCT-01 EUR-12 EA-07 ISO-00 EURE-00 JUSE-00 CIAE-00

COME-00 DODE-00 DOTE-00 FMC-01 INR-07 NSAE-00 SAL-01

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FM AMEMBASSY LONDON

TO SECSTATE WASHDC PRIORITY 7459

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY PARIS

AMEMBASSY STOCKHOLM

AMEMBASSY THE HAGUE

AMCONSUL HAMBURG

USMISSION OECD PARIS

AMEMBASSY COPENHAGEN

AMEMBASSY OSLO

AMEMBASSY TOKYO

AMEMBASSY ATHENS

AMEMBASSY HELSINKI

AMEMBASSY LISBON

AMEMBASSY LUXEMBOURG

AMEMBASSY MADRID

AMEMBASSY OTTAWA

AMEMBASSY REYKJAVIK

AMEMBASSY VIENNA

AMEMBASSY WELLINGTON

AMEMBASSY ROME

USMISSION EC BRUSSELS

AMEMBASSY ANKARA

AMEMBASSY BERN

AMEMBASSY CANBERRA

AMEMBASSY DUBLIN

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E.O. 11652:N/A

TAGS: EWWT, UK

SUBJ: JUSTICE DEPARTMENT INVESTIGATION OF OCEAN CARRIERS:
BRITISH REACTIONS

REF: (A) STATE 266737 (B) AMCONSUL HAMBURG 1553

1. AS REPORTED IN THE PRESS, UK HAS ISSUED DIRECTIVES FORBIDDING RELEASE UNDER THE 1964 SHIPPING CONTRACTS AND DOCUMENTS ACT OF ALL RELEVANT DOCUMENTS HOUSED IN THE UK REQUESTED IN THE JUSTICE DEPARTMENT INVESTIGATION. PARALLEL MEASURES ARE, WE UNDERSTAND, EITHER IN EFFECT OR BEING TAKEN BY FRANCE, FRG, NETHERLANDS, AND BELGIUM.

2. LANCHIN, CHIEF UK DEPARTMENT OF TRADE, SHIPPING POLICY DIVISION, APPROACHED EMBASSY SHIPPING ATTACHE TO DISCUSS SUBJECT SITUATION AND EXPLAIN BRITISH ACTIONS. HE HAD HAD A CABLE REPORT FOLLOWED BY A LONGER WRITTEN REPORT FROM UK EMBASSY IN WASHINGTON OF JUSTICE DEPARTMENT PRESENTATION REPORTED REFTEL A. HE HAD FOUND THE EVIDENCE AND JUSTIFICATIONS PRESENTED BY JUSTICE FOR UNDERTAKING THE GRAND JURY INVESTIGATION VERY WEAK. NONETHELESS, HE ASKED THAT IT BE STRESSED TO WASHINGTON THAT THE UK ACTION IN FORBIDDING RELEASE OF DOCUMENTS UNDER THE 1964 ACT WAS SIMPLY A HOLDING ACTION TO KEEP THE UK IN STEP WITH THE OTHER EUROPEAN SHIPPING COUNTRIES. FRANCE, HE POINTED OUT, NOT ONLY ENJOINED THEIR COMPANIES FROM PROVIDING DOCUMENTS HOUSED IN FRANCE, BUT THEIR LA ALSO EXTENDED THIS PROHIBITION TO COMPANY DOCUMENTS HOUSED IN OTHER COUNTRIES. THE FRENCH, BY GENTLEMEN'S AGREEMENT, WOULD NOT PROSECUTE THEIR COMPANIES FOR RELEASE OF DOCUMENTS IN THE US, BUT THAT DID NOT EXTEND NECESSARILY TO DOCUMENTS IN BRITAIN. LANCHIN WENT ON TO SAY THAT THE DECIDING FACTOR IN INVOKING THEIR 1964 ACT WAS THE FACT THAT THE JUSTICE DEPARTMENT HAD NOT FORMALLY EXTENDED THE DEADLINE FOR PRODUCTION OF DOCUMENTS. (EMBASSY SHIPPING ATTACHE WAS UNABLE TO RESPOND IN ANY SUBSTANTIVE WAY TO LANCHIN'S ASSERTIONS ABOUT WEAKNESS OF JUSTICE'S PRESENTATION INASMUCH AS REFTEL A DID NOT LIMITED OFFICIAL USE

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CONVEY ANY OF THE SUBSTANCE OF THAT PRESENTATION.)

3. ESSENCE OF LANCHIN'S INITIATIVE WAS THAT US SHOULD NOT GET DISTURBED AT THIS POINT, THAT UK WAS ATTEMPTING TO UNDERSTAND THE SITUATION AND BE IN A POSITION TO COOPERATE IN PURSUIT OF PROPER LEGAL ACTION, AND THAT HE WOULD BE MEETING WITH BANK OF THE DEPARTMENT OF STATE TO DISCUSS THE SITUATION BEFORE THE OECD MARITIME

TRANSPORT COMMITTEE MEETING.

4. LANCHIN NOTED THAT THE UK HAD NOT MET WITH ANY OF THE COMPANIES INVOLVED, EITHER AS A GROUP OR INDIVIDUALLY FOR FEAR OF PROVIDING AN OCCASION WHICH MIGHT LATER PUT THE COMPANIES IN JEOPARDY IN US COURTS. ON A PERSONAL BASIS, LANCHIN WAS INTERESTED IN HAVING A READING OF US GOVERNMENT, INCLUDING JUSTICE DEPARTMENT, REACTION TO THE UK CONSULTING WITH THE UK SHIPPING COMPANIES UNDER INVESTIGATION BY THE GRAND JURY, INDIVIDUALLY IN ALL LIKELIHOOD RATHER THAN AS A GROUP, IN ORDER TO EXPLORE THE GROUNDS FOR JUSTICE'S INVESTIGATION AND DEVELOP A BASIS FOR UK POLICY. EMBASSY SHIPPING ATTACHE EXPRESSED SURPRISE AT THE UK RELUCTANCE TO TALK, AT LEAST INDIVIDUALLY, TO ITS SHIPPING COMPANIES WITHOUT REASSURANCE, IF ONLY INFORMAL, FROM US GOVERNMENT, BUT AGREED TO RAISE THE MATTER. LANCHIN APPEARED EAGER TO HAVE A RESPONSE AS FAR AHEAD AS POSSIBLE OF CONSULTATIVE SHIPPING GROUP MEETING PRIOR TO OECD MEETING. SPIERS

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